

Jesse Merrithew, OSB No. 074564

Email: jesse@lmhlegal.com

Viktor Lo, OSB No. 175487

Email: viktor@lmhlegal.com

Levi Merrithew Horst PC

610 SW Alder Street, Suite 415

Portland, Oregon 97205

Telephone: (971) 229-1241

Juan C. Chavez, OSB No. 136428

Email: jchavez@ojrc.info

Brittney Plessner, OSB No. 154030

Email: bplessner@ojrc.info

Alex Meggitt, OSB No. 174131

Email: ameggitt@ojrc.info

Franz H. Bruggemeier, OSB No. 163533

Email: Fbruggemeier@ojrc.info

Oregon Justice Resource Center

PO Box 5248

Portland, OR 97208

Telephone: 503 944-2270

J. Ashlee Albies, OSB No. 051846

Email: ashlee@albiesstark.com

Whitney B. Stark, OSB No. 090350

Email: whitney@albiesstark.com

Maya Rinta, OSB No. 195058

Email: maya@albiesstark.com

Albies & Stark LLC

1 SW Columbia St. Suite 1850

Portland, Oregon 97204

Telephone: (503) 308-4770

Facsimile: (503) 427-9292

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF ELIJAH BOOTH IN
SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION
ORAL ARGUMENT REQUESTED

I, Elijah Booth, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
 2. On June 2nd, 2020, I was in downtown Portland attending a large rally at Pioneer Courthouse Square. The entire square was full of people.
 3. During the rally I and others heard sirens, and explosions in the distance to the southeast of my location. I headed that direction to see what was going on.
 4. I would estimate about 50 other people also headed the toward the sounds, not all at once but over the next few minutes.
 5. I walked to the intersection of SW Taylor and SW 2nd Ave. from there I could see a gathering of protesters around the intersection of SW Taylor and 1st Ave. I moved toward those protesters and through the crowd to the side of the assembly that was closest to a 6-foot-tall fence that had been erected across the street in the middle of the block on SW Taylor between SW 1st Ave and S Naito Pkwy.
 6. On the other side of the fence from the demonstrators I stood with there were many Portland
- Page 2 DECLARATION OF ELIJAH BOOTH IN SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION

Police officers in riot gear.

7. I stood in a line with other protesters about 10 feet away from the fence. Many of the protesters and I had our hands raised above our heads. There were about 50 to 100 protesters. None of the protesters approached closer than 5 yards to the fence. Police used a loudspeaker to state “if you come any closer, we will shoot.”

8. At that point a group of protesters behind me rolled a small dumpster through the group towards the fence. The people pushing the dumpster stopped about 5 yards away from the fence. People started to get behind the dumpster to use it as cover from any attack that might come from the police.

9. I was in the middle of the front line and near the dumpster, I moved next to the dumpster and tried to crouch and hide behind it, but there were many people behind it already and there was not room for me.

10. As I tried to get behind the dumpster, I turned my side to the police and at that moment a police officer shot me in the ribs on my right side. The police officer had poked the barrel of his gun through the cyclone fence so his round would clear it.

11. When that bullet hit me, it felt like getting hit with a 90 mile an hour fast ball, immediately followed by an intense burning, I couldn't catch my breath for about a minute, I was in shock and jumping up and down.

12. When I was shot, I was not doing anything threatening. I was passively resisting by moving back but staying in the crowd gathered in that area.

13. After being shot I jumped back into the group, got distance from the police and lay down on a sidewalk where someone looked at my injury.

14. The bullet had removed the skin in a disc shape where it made contact through my shirt, and it was bleeding freely, a large welt was forming.

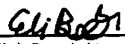
15. Then police started shooting lots of tear gas, rubber bullets, and flashbangs. I ran with others to the south around the corner of SW 1st. Ave to the south from SW Taylor to get away from the hail of munitions but there was another fence in the middle of SW 1st spanning the street with more riot police behind it. So, I turned to the north and found my way back to Pioneer Courthouse Square.

16. Two to three weeks later I was at the hospital for an unrelated matter, and I asked the nurse to look at the place where the bullet hit. She told me two ribs had been broken by the bullet. The ribs are still noticeably out of place to this day.

17. To the best of my knowledge, the officers who used force against me were Portland Police Bureau, they were wearing uniforms that looked like PPB.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 5, 2022



Elijah Booth (Jan 8, 2022 10:48 PST)

ELIJAH BOOTH